

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

JOHNNIE D. COOK,

Petitioner,

vs.

EDWARD SHELDON,

Respondent.

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CASE NO. 5:12-CV-2972

OPINION & ORDER

[Resolving Doc. No. [1](#) & [13](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On December 4, 2012, Johnnie Cook filed a petition under 28 U.S.C. § 2254 to vacate his state convictions for, among other things, aggravated murder and aggravated burglary.^{1/} He also moved to stay the federal habeas proceedings so that he could exhaust his remedies in state court, and to amend his petition.^{2/} This Court referred the petition and the accompanying motions to Magistrate Judge James Knepp II for a Report and Recommendation.

On June 21, 2013, Magistrate Judge Knepp recommended denying the petition, the motion to stay, and the motion to amend. Petitioner did not file objections to the Report and Recommendation. On August 8, 2013, this Court adopted Magistrate Judge Knepp's recommendation as to Petitioner's motion to stay.^{3/} The Court also stated that it would "consider the other portions of the Report and Recommendation in fourteen days from the filing of" the order denying the stay.

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of

^{1/}Doc. [1](#).

^{2/}Doc. [4](#).

^{3/}Doc. [16](#).

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those portions of a Report and Recommendation to which the parties have made an objection.^{4/}

Parties must file any objections to a Report and Recommendation within fourteen days of service.^{5/}

Failure to object within this time waives a party's right to appeal the district court's judgment.^{6/}

Absent objection, a district court may adopt the magistrate judge's report without review.^{7/}

Here, Petitioner has not objected to any portion of Magistrate Judge Knepp's Report and Recommendation. Moreover, having conducted its own review of the record in this case, the Court agrees with the conclusions of Magistrate Judge Knepp. Accordingly, the Court **ADOPTS** Magistrate Judge Knepp's Report and Recommendation and incorporates it herein by reference, and **DENIES** Petitioner's motion to stay his habeas proceedings and his motion to amend his petition.

IT IS SO ORDERED.

Dated: September 3, 2013

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

^{4/} 28 U.S.C. § 636(b)(1)(C).

^{5/} Id.; Fed. R. Civ. P. 72(b)(2).

^{6/} Thomas v. Arn, 474 U.S. 140, 145 (1985); United States v. Walters, 638 F.2d 947, 949-50 (6th Cir. 1981).

^{7/} See Thomas, 474 U.S. at 149.